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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MASOUMEH MOTEVALLI
ALAMOUTI, individually and as
successor-in-interest to Masoud Rahmati,
deceased; and MOSHEN RAHMATI,
individually,

Plaintiffs,

v.

COUNTY OF LOS ANGELES;
YVONNE PULLEN; RYAN GARCIA;
BRISEIDA NOCHEZ; RENE AGUILAR
ORNELAS; JOEL LEYVA; ANDREW
WISE; JASON GONZALEZ; BART
MARSHALL; MICHAEL MAYBEE; and
OLUWASANMI OGUNJUMO,

Defendants.

Case No. 2:24-cv-05560-MWC-JC

Hon. Michelle Williams Court

**DECLARATION OF BENJAMIN S.
LEVINE IN SUPPORT OF
PLAINTIFFS' UNOPPOSED *EX*
PARTE MOTION FOR
RECONSIDERATION OR
DISCHARGE OF ORDER TO
SHOW CAUSE RE DISMISSAL
FOR LACK OF PROSECUTION
AS TO INDIVIDUAL
DEFENDANTS**

DECLARATION OF BENJAMIN S. LEVINE IN SUPPORT OF PLAINTIFFS' UNOPPOSED *EX*
PARTE MOTION FOR RECONSIDERATION OR DISCHARGE OF ORDER TO SHOW CAUSE
RE DISMISSAL FOR LACK OF PROSECUTION AS TO INDIVIDUAL DEFENDANTS

DECLARATION OF BENJAMIN S. LEVINE

I, Benjamin S. Levine, hereby declare as follows:

1. I am an attorney licensed to practice law in the United States District Court for the Central District of California. I am one of the attorneys of record for Plaintiffs in this instant action. I make this declaration in support of Plaintiffs' *ex parte* motion for discharge or reconsideration of this Court's Order to Show Cause regarding the dismissal for lack of prosecution as to the named individual defendants in this action.

2. Prior to filing the *ex parte* motion, on May 13, 2025, I contacted counsel for Defendants via email to notify counsel of this anticipated motion and to seek Defendants' position regarding same. Defendants are represented in this action by Chandler A. Parker and Tomas A. Guterres of Collins + Collins LLP.

3. In response to my email regarding this *ex parte* motion, on May 13, 2025, Mr. Parker advised that Defendants would not oppose the *ex parte* motion.

4. After filing Plaintiffs' response to the Court's Order to Show Cause, I received an email from the Court on May 9, 2025, stating that the Court's order granting leave to file the First Amended Complaint required an answer to be filed 21 days from the filing of the First Amended Complaint. The email went on to state that the filing of an amended complaint does not trigger a new 90-day period for service of newly added defendants. It concluded that the OSC would be continued for one week and directed counsel to file a motion if deemed appropriate.

5. I responded to the Court's email on May 9, 2025, to seek clarification. As of the time of the filing of this *ex parte* motion, I have not received a response to my email.

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1 6. I am informed by my office's staff that orders for service of the First
2 Amended Complaint and Summons have been submitted to a process serving agency,
3 and that the agency has reported service as having been completed for Defendants
4 Garcia, Nochez, Ornelas, Marshall, and Maybee on May 12, 2025, and Defendant
5 Gonzalez is scheduled to be served on May 14, 2025.

6 7. As soon as possible after the individual defendants have been served, my
7 office will file proofs of service with the Court.

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9 DATED: May 13, 2025

LAW OFFICES OF DALE K. GALIPO

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11 By: /s/ Benjamin S. Levine
12 Benjamin S. Levine
13 *Attorney for Plaintiff*
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